

Docket No.: H0030.0003
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tomohiro Igakura

Application No.: 09/960,548

Confirmation No.: 5904

Filed: September 20, 2001

Art Unit: 2161

For: FILE MANAGING SYSTEM

Examiner: T. Y. Chen

**RENEWED PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests that the Decision dated March 8, 2010 dismissing Applicant's Petition to Withdraw the Holding of Abandonment be reconsidered in view of the following.

In the Decision dated March 8, 2010, the Office of Petitions dismissed Applicant's Petition based on a mistaken belief that Applicant did not timely and properly reply to the Interview Summary in the form of an Amended Appeal Brief. Decision, page 2. It is respectfully submitted that Applicant did timely and properly reply to the requirements stated in the Interview Summary and filed an Amended Appeal Brief as agreed upon with the Examiner.

Specifically, the timeline and relevant facts concerning the interview in question were as follows:

- Mar. 6, 2009 – Patent Office mailed a Notice of Non-Compliant Appeal Brief.
- Apr. 6, 2009 – Applicant's attorneys conducted a telephonic interview with the Primary Examiner to determine the basis for non-compliance of the previously filed Appeal Brief. Applicant's attorneys and the Primary Examiner reached an agreement that Applicant must provide further mapping for claim 1 and that the dependent claims were not being argued separately from the independent claims. **Immediately following the agreement with the Primary Examiner, Applicant's attorneys filed an Amended Appeal Brief on April 6 (the same day as the telephonic interview).** The electronic records in the USPTO's PAIR system unequivocally show the filing of and receipt by the USPTO of the responsive compliant Appeal Brief on April 6, 2009.
- Apr. 8, 2009 – Two (2) days after the actual date of the telephonic interview, the Examiner issued an Interview Summary.
- May 8, 2009 – Within the one (1) month required response date from the Interview Summary, Applicant's attorneys filed a Statement of the Substance of the Interview specifically noting that the Appeal Brief filed on April 6, 2009 was in response to the agreement entered during the telephonic interview of April 6, 2009. **No further amended Appeal Brief was required at this stage because the agreed upon Amended Appeal Brief was already submitted on April 6.**
- Oct. 23, 2009 - Examiner issued a Notice of Abandonment.

- Oct./Nov. 2009 – Applicant's attorneys telephone Examiner on several occasions regarding the Notice of Abandonment. Examiner acknowledges that the Notice of Abandonment was issued in error and states that she will withdraw the same.
- Dec. 22, 2009 – As of this day, the Examiner had not yet processed the withdraw of the abandonment. Accordingly, Applicant's attorneys were left with no option but to file a Petition to Withdraw Holding of Abandonment.
- Jan. 2010 – Applicant's attorneys have another interview with Examiner. Examiner again states that she will withdraw the notice of abandonment. To date, Examiner has failed to withdraw the notice of abandonment

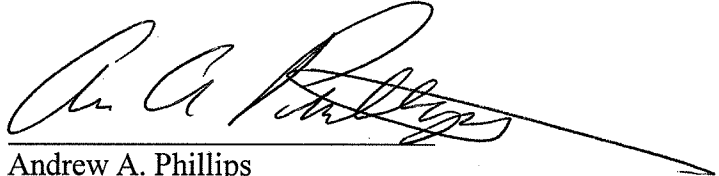
It is respectfully submitted that Applicant properly followed all procedures and complied with all rules and agreements regarding the submission of an amended Appeal Brief. Applicant also properly filed a response within the allotted time period to the Examiner's Interview Summary. For the foregoing reasons, Applicant respectfully requests that the Commissioner order the Examiner to withdraw the holding of abandonment of this application and forward the Appeal Brief to the Board of Appeals for further consideration.

No fee is believed due for the filing of this Petition. However, if a fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215.

It is respectfully requested that the Office of Petitions contact the undersigned by telephone at the number below if there is any further information Applicant could provide to assist the Office in deciding this petition.

Dated: March 22, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. A. Phillips", written over a horizontal line.

Andrew A. Phillips

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